

EXHIBIT 10

From: [Christie Hebert](#)
To: [Gabrielle Becker](#)
Subject: FW: Schott v. Babb et al.: Copies of Draft Protective Order and Correspondence from Plaintiff's Counsel
Date: Thursday, March 7, 2024 2:46:07 PM
Attachments: [image003.png](#)
[image004.png](#)

FYI

From: Joshua Windham <jwindham@ij.org>
Sent: Tuesday, February 27, 2024 8:24 PM
To: csf@frigeriolawfirm.com
Cc: Daniel Nelson <dnelson@ij.org>; Bowen, Susan <sbowen@bexar.org>; Piatt, Robert <robert.piatt@bexar.org>; Christie Hebert <chebert@ij.org>
Subject: Re: Schott v. Babb et al.: Copies of Draft Protective Order and Correspondence from Plaintiff's Counsel

Good evening, Charles. Nice to meet you in person today. I'm writing to memorialize a few points:

1. Defendants did not produce any of the documents requested in our February 22 letter before Deputy Gereb's deposition today, and have still not produced them as of this email.
2. As we note in the February 22 letter, we're concerned that some or all of the documents mentioned in the letter may be automatically deleted or destroyed on March 16, 2024 pursuant to BCSO's records retention policy. We'd like some assurance that these documents—which, as we explain in the letter, plainly exist—will not be destroyed.
3. In his deposition today, Deputy Gereb mentioned that he made a written statement to Sgt. Bowser regarding the ongoing internal affairs investigation into the March 16, 2022 traffic stop that gave rise to this case. After the deposition concluded, I noted that Deputy Gereb's written statement, and any other written statements officers have given, fall within the scope of RFP 38 (which requests “[a]ll documents relating to the [IA} investigation”). I requested that Defendants produce these documents before tomorrow's deposition of former internal affairs officer Marta Rodriguez. You represented that Bexar County had refused to provide those documents to you.

Please let me know if you have any updates regarding points (1) and (2), or if I'm misstating anything regarding point (3).

Best,

Josh

From: Joshua Windham <jwindham@ij.org>
Sent: Thursday, February 22, 2024 4:21 PM
To: Christie Hebert <chebert@ij.org>; Charles Frigerio <csf@frigeriolawfirm.com>
Cc: Daniel Nelson <dnelson@ij.org>; Bowen, Susan <sbowen@bexar.org>; Piatt, Robert <robert.piatt@bexar.org>
Subject: Re: Schott v. Babb et al.: Copies of Draft Protective Order and Correspondence from Plaintiff's Counsel

Charles,

Attached is a letter demanding that Defendants provide specific supplemental responses to certain deficient discovery responses in view of the upcoming depositions. Please note that we're requesting documents referenced in Defendants' own production, which plainly exist, but which Defendants have not yet produced.

Best,

Josh

From: Christie Hebert <chebert@ij.org>
Sent: Thursday, February 22, 2024 11:32 AM
To: Charles Frigerio <csf@frigeriolawfirm.com>
Cc: Joshua Windham <jwindham@ij.org>; Daniel Nelson <dnelson@ij.org>; Bowen, Susan <sbowen@bexar.org>; Piatt, Robert <robert.piatt@bexar.org>
Subject: RE: Schott v. Babb et al.: Copies of Draft Protective Order and Correspondence from Plaintiff's Counsel

We will provide deposition notices for Herrera and Molina for April 17th and April 18th shortly. We will set these depositions to start at 9:00 am at your office.

We will touch base about scheduling Gamboa's deposition after consulting calendars.

From: Charles Frigerio <csf@frigeriolawfirm.com>
Sent: Tuesday, February 20, 2024 11:29 AM

To: Christie Hebert <chebert@ij.org>

Cc: Joshua Windham <jwindham@ij.org>; Daniel Nelson <dnelson@ij.org>; Bowen, Susan <sbowen@bexar.org>; Piatt, Robert <robert.piatt@bexar.org>

Subject: RE: Schott v. Babb et al.: Copies of Draft Protective Order and Correspondence from Plaintiff's Counsel

Counsel,

Confirm space.

No, we are not available on April 24th thru 26th for depositions.

We can be available on April 17th and 18th for depositions if that works.

Regards,

Charles S. Frigerio

Charles S. Frigerio | Attorney at Law | Law Offices of Charles S Frigerio PC
Riverview Towers | 111 Soledad, Ste 465 | San Antonio, TX | 78205
T: 210.271.7877 | F: 210.271.0602 | Email: csf@Frigeriolawfirm.com



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From: Christie Hebert <chebert@ij.org>

Sent: Friday, February 16, 2024 12:21 PM

To: Charles Frigerio <csf@frigeriolawfirm.com>

Cc: Joshua Windham <jwindham@ij.org>; Daniel Nelson <dnelson@ij.org>; Bowen, Susan <sbowen@bexar.org>; Piatt, Robert <robert.piatt@bexar.org>

Subject: RE: Schott v. Babb et al.: Copies of Draft Protective Order and Correspondence from Plaintiff's Counsel

Received. Thank you. Can you confirm that there will be a private room for our side to confer at the Sheriff's Office?

Additionally, we also asked about availability for Herrera, Molina, and Gamboa. We'd like to depose these witnesses April 24-26. Are they available?

Thank you,
Christie

From: Charles Frigerio <csf@frigeriolawfirm.com>
Sent: Friday, February 16, 2024 10:42 AM
To: Christie Hebert <chebert@ij.org>
Cc: Joshua Windham <jwindham@ij.org>; Daniel Nelson <dnelson@ij.org>; Bowen, Susan <sbowen@bexar.org>; Piatt, Robert <robert.piatt@bexar.org>
Subject: RE: Schott v. Babb et al.: Copies of Draft Protective Order and Correspondence from Plaintiff's Counsel

Counsel,

The Sheriff's deposition will at the Bexar County Sheriff's Office, Sheriff's Administration Building, [207 N Comal, San Antonio, TX 78207](#)

Deputy Babb's deposition can be taken on April 23rd at my office.

Charles S. Frigerio

Charles S. Frigerio | Attorney at Law | Law Offices of Charles S Frigerio PC
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From: Christie Hebert <chebert@ij.org>

Sent: Friday, February 16, 2024 9:53 AM

To: Charles Frigerio <csf@frigeriolawfirm.com>

Cc: Joshua Windham <jwindham@ij.org>; Daniel Nelson <dnelson@ij.org>; Bowen, Susan <sbowen@bexar.org>; Piatt, Robert <robert.piatt@bexar.org>

Subject: RE: Schott v. Babb et al.: Copies of Draft Protective Order and Correspondence from Plaintiff's Counsel

Thank you, Charles.

We'll get Sheriff Salazar's deposition noticed for April 22nd. Given the Sheriff's schedule, we'll plan to start the deposition promptly at 9 am. April 23rd is good for Deputy Babb's deposition. We plan for a full day for both of these depositions.

We'll notice both depositions. Unless I hear otherwise from you, we will take the depositions at your office.

Best,
Christie

From: Charles Frigerio <csf@frigeriolawfirm.com>

Sent: Wednesday, February 14, 2024 3:05 PM

To: Christie Hebert <chebert@ij.org>

Cc: Joshua Windham <jwindham@ij.org>; Daniel Nelson <dnelson@ij.org>; Bowen, Susan <sbowen@bexar.org>; Piatt, Robert <robert.piatt@bexar.org>

Subject: RE: Schott v. Babb et al.: Copies of Draft Protective Order and Correspondence from Plaintiff's Counsel

Counsel,

Please be advised that Sheriff Salazar is available for his deposition on April 22nd. His deposition will need to be completed by 5:00 PM.

We have the date of April 23rd available for Deputy Babb or one of the other witnesses.

By your previous correspondence, you indicate taking the full day for each witness.
Please advise if you intend to only take one deponent per day.

Regards,

Charles S. Frigerio

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From: Christie Hebert <chebert@ij.org>
Sent: Monday, February 12, 2024 2:26 PM
To: Charles Frigerio <csf@frigeriolawfirm.com>
Cc: Joshua Windham <jwindham@ij.org>; Daniel Nelson <dnelson@ij.org>; Bowen, Susan <sbowen@bexar.org>; Piatt, Robert <robert.piatt@bexar.org>
Subject: RE: Schott v. Babb et al.: Copies of Draft Protective Order and Correspondence from Plaintiff's Counsel

Thank you, Charles. We will see you at your office on February 27th and February 28th. We will send the revised deposition notices for Gereb and Rodriguez shortly.

From: Charles Frigerio <csf@frigeriolawfirm.com>
Sent: Monday, February 12, 2024 12:25 PM
To: Christie Hebert <chebert@ij.org>
Cc: Joshua Windham <jwindham@ij.org>; Daniel Nelson <dnelson@ij.org>; Bowen, Susan <sbowen@bexar.org>; Piatt, Robert <robert.piatt@bexar.org>
Subject: RE: Schott v. Babb et al.: Copies of Draft Protective Order and Correspondence from

Plaintiff's Counsel

Counsel,

Gareb and Rodriguez are available for depositions at my Office on February 27th and 28th.
I suggest starting at 9:30 AM if that works.

Charles S. Frigerio

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From: Christie Hebert <chebert@ij.org>

Sent: Tuesday, February 6, 2024 8:38 PM

To: Charles Frigerio <csf@frigeriolawfirm.com>

Cc: Joshua Windham <jwindham@ij.org>; Daniel Nelson <dnelson@ij.org>; Bowen, Susan <sbowen@bexar.org>; Piatt, Robert <robert.piatt@bexar.org>

Subject: RE: Schott v. Babb et al.: Copies of Draft Protective Order and Correspondence from Plaintiff's Counsel

Thanks, Charles. I appreciate the update. To follow up on the questions that you may have missed in my previous email, (1) will Defendants make Gereb and Rodriguez available for depositions on February 27th and 28th and (2) when will Defendants supplement their production as indicated, for example, in response to RFP #39, 45, 47-50?

It would also be good to know why Defendants affirmatively represented that Interdiction MOU Documents existed and were attached to their production but now say that there are no such

documents. I look forward to the clarification that you can provide after meeting with the Sheriff's Office.

Additionally, even if there are no Interdiction MOU Documents, please note that RFP #39 asks for documents concerning the Special Enforcement Unit (see request for specific language). No such documents have been provided.

Thanks,
Christie

From: Charles Frigerio <csf@frigeriolawfirm.com>
Sent: Monday, February 5, 2024 5:46 PM
To: Christie Hebert <chebert@ij.org>
Cc: Joshua Windham <jwindham@ij.org>; Daniel Nelson <dnelson@ij.org>; Bowen, Susan <sbowen@bexar.org>; Piatt, Robert <robert.piatt@bexar.org>
Subject: RE: Schott v. Babb et al.: Copies of Draft Protective Order and Correspondence from Plaintiff's Counsel

Counsel,

I have been informed that there are No Interdiction MOU's.
I am meeting with the Sheriff's Department this week and will further clarify.

The complete video evidence in this case has not been completely downloaded into Dropbox but this process continues. We will let you know when all

The video has been downloaded....but this is taking some time as there are approximately 511 videos responsive to your requests for production.

Charles S. Frigerio

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From: Christie Hebert <chebert@ij.org>
Sent: Monday, February 5, 2024 12:43 PM
To: Charles Frigerio <csf@frigeriolawfirm.com>
Cc: Joshua Windham <jwindham@ij.org>; Daniel Nelson <dnelson@ij.org>; Bowen, Susan <sbowen@bexar.org>; Piatt, Robert <robert.piatt@bexar.org>
Subject: RE: Schott v. Babb et al.: Copies of Draft Protective Order and Correspondence from Plaintiff's Counsel

Charles,

We will continue to hold February 27th and 28th for depositions. However, we will not be able to depose these particular three witnesses (Gereb, Rodriguez, and Herrera) in two days. Given that you are only available two days, we ask that you make Gereb and Rodriguez available on those days, February 27th and 28th. Please note that Gereb and Rodriguez were both originally noticed for deposition on 10/3/23. Those notices are attached.

Additionally, in reviewing Defendants' production thus far, we note that there are several instances where Deputy Babb's body camera or dashcam capture discussions between him and other officers, specifically Deputy Gereb, stating BCSO's policies relating to criminal interdiction. All recordings of those conversations are responsive to Plaintiff's RFP #24. I've attached Plaintiff's First Set of RFPs for your reference. Please note that Plaintiff's First Set of RFPs expressly defines "Document(s)" to include video recordings. When can we expect to receive the videos responsive to Plaintiff's RFP #24 recorded by other officers such as Gereb?

Finally, in reviewing Defendants' responses to Plaintiff's Second Set of RFPs, we note that Defendants indicated that they would affirmatively supplement their production or would supplement their production if additional documents exist (See responses to RFP #39, 45, 47-50). It also appears that Defendants failed to produce the Interdiction MOU Documents (See Response to RFP #39; if we missed these documents, please let us know where to find them in your production). When do Defendants expect to supplement their production?

Thank you,
Christie

From: Charles Frigerio <csf@frigeriolawfirm.com>
Sent: Friday, February 2, 2024 2:34 PM
To: Christie Hebert <chebert@ij.org>

Cc: Bowen, Susan <sbowen@bexar.org>; Piatt, Robert <robert.piatt@bexar.org>; Daniel Nelson <dnelson@ij.org>; Joshua Windham <jwindham@ij.org>

Subject: RE: Schott v. Babb et al.: Copies of Draft Protective Order and Correspondence from Plaintiff's Counsel

Counsel,

I have the dates of February 27th and 28th available but have not been able to confirm with deponents as of yet.
Will advise next week.

Thanks,

Charles

Charles S. Frigerio

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From: Christie Hebert <chebert@ij.org>

Sent: Friday, February 2, 2024 1:05 PM

To: Charles Frigerio <csf@frigeriolawfirm.com>

Cc: Bowen, Susan <sbowen@bexar.org>; Piatt, Robert <robert.piatt@bexar.org>; Daniel Nelson <dnelson@ij.org>; Joshua Windham <jwindham@ij.org>

Subject: RE: Schott v. Babb et al.: Copies of Draft Protective Order and Correspondence from Plaintiff's Counsel

Charles and Susan,

I'm following up on the deposition dates, especially for the February set of depositions. Are Gereb, Rodriguez, and Herrera available for deposition the week of 2/26?

Additionally, please let us know if we can schedule the depositions of Babb, Molina, Gamboa, and Salazar for the week of 4/22.

Best,
Christie

From: Christie Hebert

Sent: Wednesday, January 24, 2024 4:36 PM

To: Charles Frigerio <csf@frigeriolawfirm.com>

Cc: Bowen, Susan <sbowen@bexar.org>; Piatt, Robert <robert.piatt@bexar.org>; Daniel Nelson <dnelson@ij.org>; Joshua Windham <jwindham@ij.org>

Subject: RE: Schott v. Babb et al.: Copies of Draft Protective Order and Correspondence from Plaintiff's Counsel

Charles and Susan,

Thank you for meeting with Josh, Daniel, and me today via zoom. Here is a short summary of what we discussed:

1. Outstanding production from Plaintiff's first set of RFPs:

- a. Christie and Daniel indicated that Defendants previously represented that items responsive to RFPs 20, 21, 25, 28, 29, 30, 34, and 35 were "currently being bated stamped" or "will be produced." Those items still have not been produced. Susan indicated that all of Defendants' documents have been shared with Charles Frigerio. Charles indicated that Defendants intend to produce those outstanding items this coming Friday (1/26/24) barring technical issues.
- b. Charles represented that Defendants will no longer withhold all video evidence now that a protective order has been entered. Defendants expect to produce the videos this coming Friday (1/26/24) with the rest of the outstanding production barring technical issues.

2. Deposition Dates:

- a. Christie asked to depose Gereb, Rodriguez, and Herrera during the week of 2/26. Gereb's and Rodriguez's depositions are being rescheduled after Defendants cancelled those depositions in November 2023. Charles indicated that he would check with the witnesses.
 - i. If the week of 2/26 does not work, Christie identified the week of 2/19 as a second option.
- b. Christie asked to depose Babb, Molina, Gamboa, and Salazar during the week of 4/22. Charles indicated that he would check with the witnesses.
 - i. If the week of 4/22 does not work, Christie identified the week of 4/15 as a second option.

c. Charles asked that depositions be held in his office. Christie agreed, provided that Plaintiff's counsel would be given a private place to confer.

3. **Consent to Magistrate Farrer:**

1. Christie asked if Defendants would consent to Judge Farrer. Charles indicated that Defendants will not consent.

Please let me know if my understanding of our conversation from earlier today is incorrect.

We look forward to receiving the outstanding items for Plaintiff's first set of RFPs and the items responsive to Plaintiff's second set of RFPs this Friday (1/26/24).

Best,
Christie

From: Christie Hebert

Sent: Wednesday, January 24, 2024 1:15 PM

To: Charles Frigerio <csf@frigeriolawfirm.com>

Cc: Bowen, Susan <sbowen@bexar.org>; Piatt, Robert <robert.piatt@bexar.org>; Daniel Nelson <dnelson@ij.org>; Joshua Windham <jwindham@ij.org>

Subject: RE: Schott v. Babb et al.: Copies of Draft Protective Order and Correspondence from Plaintiff's Counsel

Let's continue with the scheduled conference call. The invite has information for you to call in via phone if you cannot access the internet with a computer.

I look forward to speaking with you at 2:30.

Thanks,
Christie

From: Charles Frigerio <csf@frigeriolawfirm.com>

Sent: Wednesday, January 24, 2024 1:12 PM

To: Christie Hebert <chebert@ij.org>

Cc: Bowen, Susan <sbowen@bexar.org>; Piatt, Robert <robert.piatt@bexar.org>; Daniel Nelson <dnelson@ij.org>; Joshua Windham <jwindham@ij.org>

Subject: RE: Schott v. Babb et al.: Copies of Draft Protective Order and Correspondence from Plaintiff's Counsel

Counsel,

My Office Building is without AT&T internet service since yesterday afternoon.

I had hoped that service would have been restored by now.

The office is working remotely at this point.

We can continue with the scheduled conference or reschedule for next week.

Let me know what you prefer.

Regards,

Charles S. Frigerio

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From: Christie Hebert <chebert@ij.org>

Sent: Friday, January 19, 2024 3:58 PM

To: Charles Frigerio <csf@frigeriolawfirm.com>

Cc: Bowen, Susan <sbowen@bexar.org>; Piatt, Robert <robert.piatt@bexar.org>; Daniel Nelson <dnelson@ij.org>; Joshua Windham <jwindham@ij.org>

Subject: RE: Schott v. Babb et al.: Copies of Draft Protective Order and Correspondence from Plaintiff's Counsel

Let's do 2:30 pm CT. I'll send a calendar invite with the zoom information.

From: Charles Frigerio <csf@frigeriolawfirm.com>

Sent: Friday, January 19, 2024 3:42 PM

To: Christie Hebert <chebert@ij.org>

Cc: Bowen, Susan <sbowen@bexar.org>; Piatt, Robert <robert.piatt@bexar.org>; Daniel Nelson <dnelson@ij.org>; Joshua Windham <jwindham@ij.org>

Subject: RE: Schott v. Babb et al.: Copies of Draft Protective Order and Correspondence from

Plaintiff's Counsel

Counsel,

Wednesday afternoon would be best.

Charles S. Frigerio

Charles S. Frigerio | Attorney at Law | Law Offices of Charles S Frigerio PC
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From: Christie Hebert <chebert@ij.org>

Sent: Thursday, January 18, 2024 12:52 PM

To: Charles Frigerio <csf@frigeriolawfirm.com>

Cc: Bowen, Susan <sbowen@bexar.org>; Piatt, Robert <robert.piatt@bexar.org>; Daniel Nelson <dnelson@ij.org>; Joshua Windham <jwindham@ij.org>

Subject: RE: Schott v. Babb et al.: Copies of Draft Protective Order and Correspondence from Plaintiff's Counsel

We'll get it on file.

Perhaps the best way forward is to have a call to discuss the status of discovery in this case. Are there days that work best for you next week?

From: Charles Frigerio <csf@frigeriolawfirm.com>

Sent: Thursday, January 18, 2024 10:31 AM

To: Christie Hebert <chebert@ij.org>

Cc: Bowen, Susan <sbowen@bexar.org>; Piatt, Robert <robert.piatt@bexar.org>; Daniel Nelson

<dnelson@ij.org>; Joshua Windham <jwindham@ij.org>

Subject: RE: Schott v. Babb et al.: Copies of Draft Protective Order and Correspondence from Plaintiff's Counsel

We are in agreement with the attached Protective Order.

Charles

Charles S. Frigerio

Charles S. Frigerio | Attorney at Law | Law Offices of Charles S Frigerio PC
Riverview Towers | 111 Soledad, Ste 465 | San Antonio, TX | 78205
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From: Christie Hebert <chebert@ij.org>

Sent: Thursday, January 18, 2024 9:52 AM

To: Charles Frigerio <csf@frigeriolawfirm.com>

Cc: Bowen, Susan <sbowen@bexar.org>; Piatt, Robert <robert.piatt@bexar.org>; Daniel Nelson <dnelson@ij.org>; Joshua Windham <jwindham@ij.org>

Subject: RE: Schott v. Babb et al.: Copies of Draft Protective Order and Correspondence from Plaintiff's Counsel

Thank you, Charles.

Attached is the revised proposed order with the revised number of days you requested. We'll plan to get this on file shortly unless you object today. We'll designate Defendants' position as consenting to the motion unless otherwise indicated.

Given that the parties are now moving for entry of an agreed proposed confidentiality and protective order, when can Plaintiff expect Defendants to provide the video footages that

Defendants withheld and the rest of the outstanding discovery for Plaintiff's First RFPs?

Best,
Christie

From: Charles Frigerio <csf@frigeriolawfirm.com>
Sent: Wednesday, January 17, 2024 2:07 PM
To: Christie Hebert <chebert@ij.org>
Cc: Bowen, Susan <sbowen@bexar.org>; Piatt, Robert <robert.piatt@bexar.org>; Daniel Nelson <dnelson@ij.org>; Joshua Windham <jwindham@ij.org>
Subject: RE: Schott v. Babb et al.: Copies of Draft Protective Order and Correspondence from Plaintiff's Counsel

Counsel,

The Western District Form Protective Order is very similar with the exception of #11- 14 days and #12- 21 days.

This corresponds to Plaintiff's #7 – 5 days and 7 days.

If you change the times to the 14 days and 21 days, we agree to the Proposed Confidentiality and Protective Order.

Thanks,

Charles

Charles S. Frigerio

Charles S. Frigerio | Attorney at Law | Law Offices of Charles S Frigerio PC
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received this email in error, please immediately notify the sender by return email and delete this email from your system. Thank You.

From: Christie Hebert <chebert@ij.org>

Sent: Friday, January 12, 2024 11:04 AM

To: Charles Frigerio <csf@frigeriolawfirm.com>

Cc: Bowen, Susan <sbowen@bexar.org>; Piatt, Robert <robert.piatt@bexar.org>; Daniel Nelson <dnelson@ij.org>; Joshua Windham <jwindham@ij.org>

Subject: Schott v. Babb et al.: Copies of Draft Protective Order and Correspondence from Plaintiff's Counsel

Charles,

I have attached the following:

1. A revised version of the proposed confidentiality and protective order: Plaintiff's counsel sent this draft to Susan and Bob on 10/3/23 and have followed up via email and letter but have not received a response.
2. Letter about Defendants' deficient discovery responses: Plaintiff's counsel sent this letter to Susan and Bob on 10/27/23 but have not received a response.
3. Letter about discovery status, deficient production, and next steps: Plaintiff's counsel sent this letter to Susan and Bob on 12/6/23 but have not received a response.

I look forward to hearing from you. My colleagues and I will be occupied with a Supreme Court argument during the first half of the week but could find a time speak next Thursday or Friday.

Best,
Christie

From: [Christie Hebert](#)
To: [Gabrielle Becker](#)
Subject: FW: Schott v. Babb et al.: Copies of Draft Protective Order and Correspondence from Plaintiff's Counsel
Date: Thursday, March 7, 2024 2:47:44 PM
Attachments: [image003.png](#)
[image004.png](#)
[Letter re Deficient Discovery and Requested Action \(2.9.24\).pdf](#)
[Schott - 24.2.16 Response to Pltf 24.2.9 Ltr.pdf](#)

From: Christie Hebert
Sent: Tuesday, February 20, 2024 12:21 PM
To: Charles Frigerio <csf@frigeriolawfirm.com>
Cc: Daniel Nelson <dnelson@ij.org>; Joshua Windham <jwindham@ij.org>; Piatt, Robert <robert.piatt@bexar.org>; Bowen, Susan <sbowen@bexar.org>; Julie Vasquez <jav@frigeriolawfirm.com>
Subject: RE: Schott v. Babb et al.: Copies of Draft Protective Order and Correspondence from Plaintiff's Counsel

Thank you, Charles.

Your letter from 2/16 (reattached here) indicated Defendants were “producing Gereb’s personnel file.” As I understand it, Gereb’s personnel file has not been produced. Please let me know if I missed Gereb’s personnel file. Otherwise, when can we expect that file, especially given that Gereb’s deposition is a week away?

As I outlined in my 2/9/24 letter (also reattached here), there are numerous deficiencies with Defendants’ production. The production sent on Friday, 2/16 only partial addresses two or three of those deficiencies. During our 2/15 call, you indicated that Defendants were supplementing their production with at least 1,000 documents. Given your response below, it is my understanding that the rest of the items you indicated were forthcoming had been produced previously, and you did not want to duplicate prior production. To be clear then, it is my understanding that Defendants will not be further supplementing their production—except for producing Gereb’s personnel file.

Please let me know if my understanding is incorrect.

From: Charles Frigerio <csf@frigeriolawfirm.com>
Sent: Friday, February 16, 2024 4:33 PM
To: Christie Hebert <chebert@ij.org>
Cc: Daniel Nelson <dnelson@ij.org>; Joshua Windham <jwindham@ij.org>; Piatt, Robert <robert.piatt@bexar.org>; Bowen, Susan <sbowen@bexar.org>; Julie Vasquez <jav@frigeriolawfirm.com>
Subject: RE: Schott v. Babb et al.: Copies of Draft Protective Order and Correspondence from Plaintiff's Counsel

Counsel,

During our telephone call yesterday, I informed you that my office was attempting to determine what Bates documents had been provided during the responses to production, first and second set. The first 5,914 documents have been provided and are not duplicated in our response. Today's responses are supplemental responses to your requests.

To reiterate, there are No memorandum of understanding for the Interdiction Unit. The Bexar County Sheriff's Department no longer conducts Performance Appraisals. The only one included was in Sgt Gamboa's personnel file over fifteen years ago.

Charles S. Frigerio

Charles S. Frigerio | Attorney at Law | Law Offices of Charles S Frigerio PC
Riverview Towers | 111 Soledad, Ste 465 | San Antonio, TX | 78205
T: 210.271.7877 | F: 210.271.0602 | Email: csf@Frigeriolawfirm.com



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From: Christie Hebert <chebert@ij.org>

Sent: Friday, February 16, 2024 2:59 PM

To: Charles Frigerio <csf@frigeriolawfirm.com>

Cc: Daniel Nelson <dnelson@ij.org>; Joshua Windham <jwindham@ij.org>; Piatt, Robert <robert.piatt@bexar.org>; Bowen, Susan <sbowen@bexar.org>; Julie Vasquez <jav@frigeriolawfirm.com>

Subject: RE: Schott v. Babb et al.: Copies of Draft Protective Order and Correspondence from Plaintiff's Counsel

Charles,

During our call yesterday (2/15), you indicated that Defendants were producing at least 1,000 pages today (2/16). In fact, you estimated that Defendants would produce between 1,000 and 5,000 pages.

Through the letter that Ms. Vasquez sent today (which I reattach here), Defendants produced 123 pages and two videos. Do Defendants expect to produce additional items today?

Thank you,
Christie

From: Charles Frigerio <csf@frigeriolawfirm.com>
Sent: Friday, February 16, 2024 12:30 PM
To: Christie Hebert <chebert@ij.org>
Cc: Daniel Nelson <dnelson@ij.org>; Joshua Windham <jwindham@ij.org>; Piatt, Robert <robert.piatt@bexar.org>; Bowen, Susan <sbowen@bexar.org>
Subject: RE: Schott v. Babb et al.: Copies of Draft Protective Order and Correspondence from Plaintiff's Counsel

Counsel,

I have reviewed Plaintiff's Demand Letter and Defendants' Rejection.
We know that the Mediation deadline in July 2, 2024.

With that deadline in mind, I plan to file an Advisory with the Court requesting a Magistrate Mediate our case.

We can at least have a date for mediation within the scheduling order deadline.

Please advise if you are opposed to a Magistrate in the Western District, San Antonio Division mediating the case.

Regards,

Charles S. Frigerio

Charles S. Frigerio | Attorney at Law | Law Offices of Charles S Frigerio PC
Riverview Towers | 111 Soledad, Ste 465 | San Antonio, TX | 78205
T: 210.271.7877 | F: 210.271.0602 | Email: csf@Frigeriolawfirm.com



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From: Christie Hebert <chebert@ij.org>

Sent: Thursday, February 15, 2024 4:31 PM

To: Charles Frigerio <csf@frigeriolawfirm.com>

Cc: Daniel Nelson <dnelson@ij.org>; Joshua Windham <jwindham@ij.org>; Piatt, Robert <robert.piatt@bexar.org>; Bowen, Susan <sbowen@bexar.org>

Subject: RE: Schott v. Babb et al.: Copies of Draft Protective Order and Correspondence from Plaintiff's Counsel

Charles,

Thank you for speaking with me via phone this afternoon. Here's my understanding of what we discussed:

- Defendants will supplement their production this Friday, 2/16/24.
- I asked if Defendants were producing all outstanding production, and you indicated that we may have a disagreement about what is outstanding. You indicated that you will be producing all the items that you have, which you indicated was at least 1,000 pages.
- You indicated that you are still getting a handle on what Defendants previously produced and what remains unproduced.
- You indicated that you thought mediation would be appropriate for this case, and you asked about Alek's position on mediation.
- I confirmed that the Court requires mediation and that the mediation deadline for this case is July 2, 2024.
- You asked Alek to make a demand, but I indicated that Alek already sent Defendants an offer in writing that Defendants rejected. You indicated that you would review that offer letter.
- We agreed:
 - I would speak to Alek about mediating the case and whether our side would agree

to ask a magistrate to mediate the case.

- You would review Alek's prior offer letter.
- Defendants would supplement their production this Friday, 2/16/24.

Please let me know if my understanding of our conversation is not correct.

After you and I talked via phone, I spoke with Alek. He does not oppose mediation outright, but he'd prefer to wait to discuss whether mediation makes sense until after you and your clients review his prior offer letter. Once you have reviewed the letter, please feel free to reach out.

Best,
Christie

From: Charles Frigerio <csf@frigeriolawfirm.com>
Sent: Thursday, February 15, 2024 3:05 PM
To: Christie Hebert <chebert@ij.org>
Subject: RE: Schott v. Babb et al.: Copies of Draft Protective Order and Correspondence from Plaintiff's Counsel

Counsel,

Do you have any time this afternoon to confer on this case.

Charles S. Frigerio

Charles S. Frigerio | Attorney at Law | Law Offices of Charles S Frigerio PC
Riverview Towers | 111 Soledad, Ste 465 | San Antonio, TX | 78205
T: 210.271.7877 | F: 210.271.0602 | Email: csf@Frigeriolawfirm.com



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delete this email from your system. Thank You.

From: Christie Hebert <chebert@ij.org>
Sent: Monday, February 12, 2024 2:26 PM
To: Charles Frigerio <csf@frigeriolawfirm.com>
Cc: Joshua Windham <jwindham@ij.org>; Daniel Nelson <dnelson@ij.org>; Bowen, Susan <sbowen@bexar.org>; Piatt, Robert <robert.piatt@bexar.org>
Subject: RE: Schott v. Babb et al.: Copies of Draft Protective Order and Correspondence from Plaintiff's Counsel

Thank you, Charles. We will see you at your office on February 27th and February 28th. We will send the revised deposition notices for Gereb and Rodriguez shortly.

From: Charles Frigerio <csf@frigeriolawfirm.com>
Sent: Monday, February 12, 2024 12:25 PM
To: Christie Hebert <chebert@ij.org>
Cc: Joshua Windham <jwindham@ij.org>; Daniel Nelson <dnelson@ij.org>; Bowen, Susan <sbowen@bexar.org>; Piatt, Robert <robert.piatt@bexar.org>
Subject: RE: Schott v. Babb et al.: Copies of Draft Protective Order and Correspondence from Plaintiff's Counsel

Counsel,

Gareb and Rodriguez are available for depositions at my Office on February 27th and 28th. I suggest starting at 9:30 AM if that works.

Charles S. Frigerio

Charles S. Frigerio | Attorney at Law | Law Offices of Charles S Frigerio PC
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From: Christie Hebert <chebert@ij.org>

Sent: Tuesday, February 6, 2024 8:38 PM

To: Charles Frigerio <csf@frigeriolawfirm.com>

Cc: Joshua Windham <jwindham@ij.org>; Daniel Nelson <dnelson@ij.org>; Bowen, Susan <sbowen@bexar.org>; Piatt, Robert <robert.piatt@bexar.org>

Subject: RE: Schott v. Babb et al.: Copies of Draft Protective Order and Correspondence from Plaintiff's Counsel

Thanks, Charles. I appreciate the update. To follow up on the questions that you may have missed in my previous email, (1) will Defendants make Gereb and Rodriguez available for depositions on February 27th and 28th and (2) when will Defendants supplement their production as indicated, for example, in response to RFP #39, 45, 47-50?

It would also be good to know why Defendants affirmatively represented that Interdiction MOU Documents existed and were attached to their production but now say that there are no such documents. I look forward to the clarification that you can provide after meeting with the Sheriff's Office.

Additionally, even if there are no Interdiction MOU Documents, please note that RFP #39 asks for documents concerning the Special Enforcement Unit (see request for specific language). No such documents have been provided.

Thanks,
Christie

From: Charles Frigerio <csf@frigeriolawfirm.com>

Sent: Monday, February 5, 2024 5:46 PM

To: Christie Hebert <chebert@ij.org>

Cc: Joshua Windham <jwindham@ij.org>; Daniel Nelson <dnelson@ij.org>; Bowen, Susan <sbowen@bexar.org>; Piatt, Robert <robert.piatt@bexar.org>

Subject: RE: Schott v. Babb et al.: Copies of Draft Protective Order and Correspondence from Plaintiff's Counsel

Counsel,

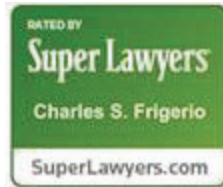
I have been informed that there are No Interdiction MOU's.
I am meeting with the Sheriff's Department this week and will further clarify.

The complete video evidence in this case has not been completely downloaded into Dropbox but

this process continues. We will let you know when all
The video has been downloaded....but this is taking some time as there are approximately 511
videos responsive to your requests for production.

Charles S. Frigerio

Charles S. Frigerio | Attorney at Law | Law Offices of Charles S Frigerio PC
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T: 210.271.7877 | F: 210.271.0602 | Email: csf@Frigeriolawfirm.com



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From: Christie Hebert <chebert@ij.org>
Sent: Monday, February 5, 2024 12:43 PM
To: Charles Frigerio <csf@frigeriolawfirm.com>
Cc: Joshua Windham <jwindham@ij.org>; Daniel Nelson <dnelson@ij.org>; Bowen, Susan <sbowen@bexar.org>; Piatt, Robert <robert.piatt@bexar.org>
Subject: RE: Schott v. Babb et al.: Copies of Draft Protective Order and Correspondence from Plaintiff's Counsel

Charles,

We will continue to hold February 27th and 28th for depositions. However, we will not be able to depose these particular three witnesses (Gereb, Rodriguez, and Herrera) in two days. Given that you are only available two days, we ask that you make Gereb and Rodriguez available on those days, February 27th and 28th. Please note that Gereb and Rodriguez were both originally noticed for deposition on 10/3/23. Those notices are attached.

Additionally, in reviewing Defendants' production thus far, we note that that there are several instances where Deputy Babb's body camera or dashcam capture discussions between him and other officers, specifically Deputy Gereb, stating BCSO's policies relating to criminal interdiction. All

recordings of those conversations are responsive to Plaintiff's RFP #24. I've attached Plaintiff's First Set of RFPs for your reference. Please note that Plaintiff's First Set of RFPs expressly defines "Document(s)" to include video recordings. When can we expect to receive the videos responsive to Plaintiff's RFP #24 recorded by other officers such as Gereb?

Finally, in reviewing Defendants' responses to Plaintiff's Second Set of RFPs, we note that Defendants indicated that they would affirmatively supplement their production or would supplement their production if additional documents exist (See responses to RFP #39, 45, 47-50). It also appears that Defendants failed to produce the Interdiction MOU Documents (See Response to RFP #39; if we missed these documents, please let us know where to find them in your production). When do Defendants expect to supplement their production?

Thank you,
Christie

From: Charles Frigerio <csf@frigeriolawfirm.com>
Sent: Friday, February 2, 2024 2:34 PM
To: Christie Hebert <chebert@ij.org>
Cc: Bowen, Susan <sbowen@bexar.org>; Piatt, Robert <robert.piatt@bexar.org>; Daniel Nelson <dnelson@ij.org>; Joshua Windham <jwindham@ij.org>
Subject: RE: Schott v. Babb et al.: Copies of Draft Protective Order and Correspondence from Plaintiff's Counsel

Counsel,

I have the dates of February 27th and 28th available but have not been able to confirm with deponents as of yet.
Will advise next week.

Thanks,

Charles

Charles S. Frigerio

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From: Christie Hebert <chebert@ij.org>

Sent: Friday, February 2, 2024 1:05 PM

To: Charles Frigerio <csf@frigeriolawfirm.com>

Cc: Bowen, Susan <sbowen@bexar.org>; Piatt, Robert <robert.piatt@bexar.org>; Daniel Nelson <dnelson@ij.org>; Joshua Windham <jwindham@ij.org>

Subject: RE: Schott v. Babb et al.: Copies of Draft Protective Order and Correspondence from Plaintiff's Counsel

Charles and Susan,

I'm following up on the deposition dates, especially for the February set of depositions. Are Gereb, Rodriguez, and Herrera available for deposition the week of 2/26?

Additionally, please let us know if we can schedule the depositions of Babb, Molina, Gamboa, and Salazar for the week of 4/22.

Best,
Christie

From: Christie Hebert

Sent: Wednesday, January 24, 2024 4:36 PM

To: Charles Frigerio <csf@frigeriolawfirm.com>

Cc: Bowen, Susan <sbowen@bexar.org>; Piatt, Robert <robert.piatt@bexar.org>; Daniel Nelson <dnelson@ij.org>; Joshua Windham <jwindham@ij.org>

Subject: RE: Schott v. Babb et al.: Copies of Draft Protective Order and Correspondence from Plaintiff's Counsel

Charles and Susan,

Thank you for meeting with Josh, Daniel, and me today via zoom. Here is a short summary of what we discussed:

1. Outstanding production from Plaintiff's first set of RFPs:

- a. Christie and Daniel indicated that Defendants previously represented that items responsive to RFPs 20, 21, 25, 28, 29, 30, 34, and 35 were "currently being bated stamped" or "will be produced." Those items still have not been produced. Susan indicated that all of Defendants' documents have been shared with Charles Frigerio. Charles indicated that Defendants intend to produce those outstanding items this coming Friday (1/26/24) barring technical issues.
- b. Charles represented that Defendants will no longer withhold all video evidence now that a protective order has been entered. Defendants expect to produce the videos this coming Friday (1/26/24) with the rest of the outstanding production barring technical issues.

2. Deposition Dates:

- a. Christie asked to depose Gereb, Rodriguez, and Herrera during the week of 2/26. Gereb's and Rodriguez's depositions are being rescheduled after Defendants cancelled those depositions in November 2023. Charles indicated that he would check with the witnesses.
 - i. If the week of 2/26 does not work, Christie identified the week of 2/19 as a second option.
- b. Christie asked to depose Babb, Molina, Gamboa, and Salazar during the week of 4/22. Charles indicated that he would check with the witnesses.
 - i. If the week of 4/22 does not work, Christie identified the week of 4/15 as a second option.
- c. Charles asked that depositions be held in his office. Christie agreed, provided that Plaintiff's counsel would be given a private place to confer.

2. Consent to Magistrate Farrer:

1. Christie asked if Defendants would consent to Judge Farrer. Charles indicated that Defendants will not consent.

Please let me know if my understanding of our conversation from earlier today is incorrect.

We look forward to receiving the outstanding items for Plaintiff's first set of RFPs and the items responsive to Plaintiff's second set of RFPs this Friday (1/26/24).

Best,
Christie

From: Christie Hebert

Sent: Wednesday, January 24, 2024 1:15 PM

To: Charles Frigerio <csf@frigeriolawfirm.com>

Cc: Bowen, Susan <sbowen@bexar.org>; Piatt, Robert <robert.piatt@bexar.org>; Daniel Nelson <dnelson@ij.org>; Joshua Windham <jwindham@ij.org>

Subject: RE: Schott v. Babb et al.: Copies of Draft Protective Order and Correspondence from Plaintiff's Counsel

Let's continue with the scheduled conference call. The invite has information for you to call in via phone if you cannot access the internet with a computer.

I look forward to speaking with you at 2:30.

Thanks,
Christie

From: Charles Frigerio <csf@frigeriolawfirm.com>
Sent: Wednesday, January 24, 2024 1:12 PM
To: Christie Hebert <chebert@ij.org>
Cc: Bowen, Susan <sbowen@bexar.org>; Piatt, Robert <robert.piatt@bexar.org>; Daniel Nelson <dnelson@ij.org>; Joshua Windham <jwindham@ij.org>
Subject: RE: Schott v. Babb et al.: Copies of Draft Protective Order and Correspondence from Plaintiff's Counsel

Counsel,

My Office Building is without AT&T internet service since yesterday afternoon.
I had hoped that service would have been restored by now.
The office is working remotely at this point.
We can continue with the scheduled conference or reschedule for next week.

Let me know what you prefer.

Regards,

Charles S. Frigerio

Charles S. Frigerio | Attorney at Law | Law Offices of Charles S Frigerio PC
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From: Christie Hebert <chebert@ij.org>
Sent: Friday, January 19, 2024 3:58 PM
To: Charles Frigerio <csf@frigeriolawfirm.com>
Cc: Bowen, Susan <sbowen@bexar.org>; Piatt, Robert <robert.piatt@bexar.org>; Daniel Nelson <dnelson@ij.org>; Joshua Windham <jwindham@ij.org>
Subject: RE: Schott v. Babb et al.: Copies of Draft Protective Order and Correspondence from Plaintiff's Counsel

Let's do 2:30 pm CT. I'll send a calendar invite with the zoom information.

From: Charles Frigerio <csf@frigeriolawfirm.com>
Sent: Friday, January 19, 2024 3:42 PM
To: Christie Hebert <chebert@ij.org>
Cc: Bowen, Susan <sbowen@bexar.org>; Piatt, Robert <robert.piatt@bexar.org>; Daniel Nelson <dnelson@ij.org>; Joshua Windham <jwindham@ij.org>
Subject: RE: Schott v. Babb et al.: Copies of Draft Protective Order and Correspondence from Plaintiff's Counsel

Counsel,

Wednesday afternoon would be best.

Charles S. Frigerio

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T: 210.271.7877 | F: 210.271.0602 | Email: csf@Frigeriolawfirm.com



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From: Christie Hebert <chebert@ij.org>
Sent: Thursday, January 18, 2024 12:52 PM
To: Charles Frigerio <csf@frigeriolawfirm.com>
Cc: Bowen, Susan <sbowen@bexar.org>; Piatt, Robert <robert.piatt@bexar.org>; Daniel Nelson <dnelson@ij.org>; Joshua Windham <jwindham@ij.org>
Subject: RE: Schott v. Babb et al.: Copies of Draft Protective Order and Correspondence from Plaintiff's Counsel

We'll get it on file.

Perhaps the best way forward is to have a call to discuss the status of discovery in this case. Are there days that work best for you next week?

From: Charles Frigerio <csf@frigeriolawfirm.com>
Sent: Thursday, January 18, 2024 10:31 AM
To: Christie Hebert <chebert@ij.org>
Cc: Bowen, Susan <sbowen@bexar.org>; Piatt, Robert <robert.piatt@bexar.org>; Daniel Nelson <dnelson@ij.org>; Joshua Windham <jwindham@ij.org>
Subject: RE: Schott v. Babb et al.: Copies of Draft Protective Order and Correspondence from Plaintiff's Counsel

We are in agreement with the attached Protective Order.

Charles

Charles S. Frigerio

Charles S. Frigerio | Attorney at Law | Law Offices of Charles S Frigerio PC
Riverview Towers | 111 Soledad, Ste 465 | San Antonio, TX | 78205
T: 210.271.7877 | F: 210.271.0602 | Email: csf@Frigeriolawfirm.com



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From: Christie Hebert <chebert@ij.org>
Sent: Thursday, January 18, 2024 9:52 AM
To: Charles Frigerio <csf@frigeriolawfirm.com>
Cc: Bowen, Susan <sbowen@bexar.org>; Piatt, Robert <robert.piatt@bexar.org>; Daniel Nelson <dnelson@ij.org>; Joshua Windham <jwindham@ij.org>
Subject: RE: Schott v. Babb et al.: Copies of Draft Protective Order and Correspondence from Plaintiff's Counsel

Thank you, Charles.

Attached is the revised proposed order with the revised number of days you requested. We'll plan to get this on file shortly unless you object today. We'll designate Defendants' position as consenting to the motion unless otherwise indicated.

Given that the parties are now moving for entry of an agreed proposed confidentiality and protective order, when can Plaintiff expect Defendants to provide the video footages that Defendants withheld and the rest of the outstanding discovery for Plaintiff's First RFPs?

Best,
Christie

From: Charles Frigerio <csf@frigeriolawfirm.com>
Sent: Wednesday, January 17, 2024 2:07 PM
To: Christie Hebert <chebert@ij.org>
Cc: Bowen, Susan <sbowen@bexar.org>; Piatt, Robert <robert.piatt@bexar.org>; Daniel Nelson <dnelson@ij.org>; Joshua Windham <jwindham@ij.org>
Subject: RE: Schott v. Babb et al.: Copies of Draft Protective Order and Correspondence from Plaintiff's Counsel

Counsel,

The Western District Form Protective Order is very similar with the exception of #11- 14 days and #12- 21 days.

This corresponds to Plaintiff's #7 – 5 days and 7 days.

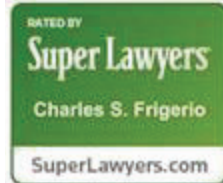
If you change the times to the 14 days and 21 days, we agree to the Proposed Confidentiality and Protective Order.

Thanks,

Charles

Charles S. Frigerio

Charles S. Frigerio | Attorney at Law | Law Offices of Charles S Frigerio PC
Riverview Towers | 111 Soledad, Ste 465 | San Antonio, TX | 78205
T: 210.271.7877 | F: 210.271.0602 | Email: csf@Frigeriolawfirm.com



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From: Christie Hebert <chebert@ij.org>
Sent: Friday, January 12, 2024 11:04 AM
To: Charles Frigerio <csf@frigeriolawfirm.com>
Cc: Bowen, Susan <sbowen@bexar.org>; Piatt, Robert <robert.piatt@bexar.org>; Daniel Nelson <dnelson@ij.org>; Joshua Windham <jwindham@ij.org>
Subject: Schott v. Babb et al.: Copies of Draft Protective Order and Correspondence from Plaintiff's Counsel

Charles,

I have attached the following:

1. A revised version of the proposed confidentiality and protective order: Plaintiff's counsel sent this draft to Susan and Bob on 10/3/23 and have followed up via email and letter but have not received a response.
2. Letter about Defendants' deficient discovery responses: Plaintiff's counsel sent this letter to Susan and Bob on 10/27/23 but have not received a response.
3. Letter about discovery status, deficient production, and next steps: Plaintiff's counsel sent this letter to Susan and Bob on 12/6/23 but have not received a response.

I look forward to hearing from you. My colleagues and I will be occupied with a Supreme Court

argument during the first half of the week but could find a time speak next Thursday or Friday.

Best,
Christie

From: [Piatt, Robert](#)
To: [Christie Hebert](#); [Bowen, Susan](#)
Cc: [Daniel Nelson](#); [Joshua Windham](#); [Butler, Noelle E.](#); [Casey Nasca](#); [Gabrielle Becker](#)
Subject: RE:
Date: Thursday, November 30, 2023 6:42:11 PM

Christie et al.,

As you can tell, there has been a delay in our new counsel filing a notice of substitution and reaching out to you on pending matters. I have contacted him and one of us will get back to you as soon as possible.

Best regards,

Bob Piatt
Assistant Criminal District Attorney, Civil Division
Bexar County Criminal District Attorney's Office
7th Floor Paul Elizondo Tower
101 W. Nueva
San Antonio, Texas 78205
(210) 335-0785
(210) 335-2773 – Fax

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From: Christie Hebert <chebert@ij.org>
Sent: Wednesday, November 29, 2023 9:30 AM
To: Piatt, Robert <robert.piatt@bexar.org>; Bowen, Susan <sbowen@bexar.org>
Cc: Daniel Nelson <dnelson@ij.org>; Joshua Windham <jwindham@ij.org>; Butler, Noelle E. <Noelle.Butler@bexar.org>; Casey Nasca <cnasca@ij.org>; Gabrielle Becker <gbecker@ij.org>
Subject: RE:

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Hi Bob and Susan,

We never heard back from you on these issues.

Additionally, you indicated that new counsel's information would be provided on November 28th,

which was yesterday. Can you please provide new counsel's information so we may discuss the outstanding discovery, reschedule the depositions that we cancelled due to new counsel being retained, and set up the other depositions for which we previously asked you to confirm your availability?

Thank you,
Christie

From: Piatt, Robert <robert.piatt@bexar.org>
Sent: Tuesday, November 14, 2023 10:21 AM
To: Christie Hebert <chebert@ij.org>; Bowen, Susan <sbowen@bexar.org>
Cc: Daniel Nelson <dnelson@ij.org>; Joshua Windham <jwindham@ij.org>; Butler, Noelle E. <Noelle.Butler@bexar.org>; Casey Nasca <cnasca@ij.org>; Gabrielle Becker <gbecker@ij.org>
Subject: RE:

Dear Counsel:

Let me check on these issues and I will get back to you tomorrow morning.

Bob Piatt
Assistant Criminal District Attorney, Civil Division
Bexar County Criminal District Attorney's Office
7th Floor Paul Elizondo Tower
101 W. Nueva
San Antonio, Texas 78205
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From: Christie Hebert <chebert@ij.org>
Sent: Monday, November 13, 2023 9:56 AM
To: Piatt, Robert <robert.piatt@bexar.org>; Bowen, Susan <sbowen@bexar.org>
Cc: Daniel Nelson <dnelson@ij.org>; Joshua Windham <jwindham@ij.org>; Butler, Noelle E. <Noelle.Butler@bexar.org>; Casey Nasca <cnasca@ij.org>; Gabrielle Becker <gbecker@ij.org>
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Bob,

We received your email, and we agree to reschedule the depositions with new counsel. We look forward to receiving the new contact information for Defendants' counsel on November 28th.

In the meantime, we have two outstanding issues:

1. Do Defendants agree to the revised protective order that Plaintiff's counsel proposed to address Defendants' concerns about the disclosure of video footage? I am reattaching the proposed order, which we shared on 10/3. We still have yet to hear back from you and remain willing to file the order so that Defendants' concerns are addressed and the withheld body-camera and dashcam videos can be produced.
2. When will Plaintiff's counsel receive additional discovery from Defendants? Defendants indicated that they were going to produce several additional items responsive to Plaintiff's first set of requests for production—such as Deputy Molina's SPEARS summaries and Bexar County Sheriff's Office's organizational chart, among other items— but have not yet done so.

Best,
Christie

From: Piatt, Robert <robert.piatt@bexar.org>

Sent: Friday, November 10, 2023 5:22 PM

To: Christie Hebert <chebert@ij.org>; Bowen, Susan <sbowen@bexar.org>

Cc: Daniel Nelson <dnelson@ij.org>; Joshua Windham <jwindham@ij.org>; Butler, Noelle E. <Noelle.Butler@bexar.org>; Casey Nasca <cnasca@ij.org>; Gabrielle Becker <gbecker@ij.org>

Subject:

Dear Counsel:

Bexar County has elected to retain outside counsel for its defense of *Schott v. Babb et al.* and we anticipate that the final approval of -- and retainer agreement with -- new counsel will be in effect on November 28, the date of the next Bexar County Commissioners Court meeting.

We request that you agree to reschedule the depositions set for next week until a time agreeable with new counsel's schedule. Of course, we will provide new counsel's information to you on November 28, along with the necessary filings to substitute counsel for your review.

Please let me know if you agree to drop the depositions scheduled for next week.

Best regards,

Bob Piatt
Assistant Criminal District Attorney, Civil Division
Bexar County Criminal District Attorney's Office
th

7 Floor Paul Elizondo Tower
101 W. Nueva
San Antonio, Texas 78205
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From: [Piatt, Robert](#)
To: [Christie Hebert](#); [Bowen, Susan](#)
Cc: [Daniel Nelson](#); [Joshua Windham](#); [Butler, Noelle E.](#); [Casey Nasca](#); [Gabrielle Becker](#)
Subject: RE:
Date: Tuesday, November 14, 2023 11:20:52 AM

Dear Counsel:

Let me check on these issues and I will get back to you tomorrow morning.

Bob Piatt
Assistant Criminal District Attorney, Civil Division
Bexar County Criminal District Attorney's Office
7th Floor Paul Elizondo Tower
101 W. Nueva
San Antonio, Texas 78205
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Cc: Daniel Nelson <dnelson@ij.org>; Joshua Windham <jwindham@ij.org>; Butler, Noelle E. <Noelle.Butler@bexar.org>; Casey Nasca <cnasca@ij.org>; Gabrielle Becker <gbecker@ij.org>
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Christie

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Sent: Friday, November 10, 2023 5:22 PM

To: Christie Hebert <chebert@ij.org>; Bowen, Susan <sbowen@bexar.org>

Cc: Daniel Nelson <dnelson@ij.org>; Joshua Windham <jwindham@ij.org>; Butler, Noelle E. <Noelle.Butler@bexar.org>; Casey Nasca <cnasca@ij.org>; Gabrielle Becker <gbecker@ij.org>

Subject:

Dear Counsel:

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From: [Piatt, Robert](#)
To: [Christie Hebert](#); [Bowen, Susan](#)
Cc: [Daniel Nelson](#); [Joshua Windham](#); [Butler, Noelle E.](#); [Casey Nasca](#); [Gabrielle Becker](#)
Date: Friday, November 10, 2023 6:21:58 PM

Dear Counsel:

Bexar County has elected to retain outside counsel for its defense of *Schott v. Babb et al.* and we anticipate that the final approval of -- and retainer agreement with -- new counsel will be in effect on November 28, the date of the next Bexar County Commissioners Court meeting.

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